



City of Lakeland

April 23, 2014

Joellyn Brazile, CPESC
Environmental Program Manager
Tennessee Department of Environment and Conservation
Division of Water Resources
Memphis Environmental Field Office
8383 Wolf Lake Drive
Bartlett, TN 38133-4119

RE: City of Lakeland Response – Phase II Municipal Separate Storm Sewer System (MS4)
Audit, NPDES Permit Number: TNR077526

Dear Ms. Brazile,

The City of Lakeland has received a copy of the MS4 Audit dated March 19, 2014. The purpose of this letter is to convey to the Tennessee Department of Environment and Conservation (TDEC) the response plan for addressing the recommended and required actions presented in the audit.

The following items were noted as Required Actions in the audit:

1. *Revised and update the SWMP as needed to address program changes and issues specifically related to Lakeland's MS4 program. Please refer to Section 4.1 of the MS4 permit for additional information.*

A recurring comment in the audit was the need for modification and update of the Stormwater Management Plan (SWMP). The existing plan will be modified to present a more detailed and specific approach to stormwater management. The modification of the existing plan will include the incorporation of several other Required Actions listed in the audit. The revised SWMP will be complete within one year.

2. *Develop and implement educational and/or outreach programs which specifically focus on pollutants of concern from "hot spots." Please refer to Section 4.2.1 of the permit for additional information.*

The City of Lakeland is committed to educating its citizens about environmental concerns and expects its corporate community to grow over the next few years. The city will develop educational and outreach programs to address this opportunity and implement this program within the next nine months.

3. *Modify and update the PIE to include educational campaigns targeted to the general public and professional chemical applicators on the proper storage, use, and disposal of pesticides and herbicides, and fertilizer use. Please refer to Section 4.2.1.d of the MS4 permit for additional information.*

A program will be developed and implemented to address this area within the next nine months.

4. *Modify and enhance the ERP to address all of the requirements listed in the permit, and be more comprehensive in scope. Please refer to Sections 4.2.3 and 4.5 of the MS4 permit for additional information.*

The ERP will be modified and enhanced to address all the permit requirements. The revised ERP will be completed within the next six months.

5. *Revise the ERP to address all types of illicit discharges, and modify the ERP to more clearly reference the connection between the ordinances and the ERP. Please refer to Sections 4.2.3 and 4.5 of the MS4 permit for additional information.*

As noted with the previous observation, the ERP will be modified to address these needs and will be completed within the next six months.

6. *Develop guidelines and procedures to make available to all appropriate municipal staff who would respond to a hazardous waste or material spill. Please refer to Section 4.2.3 for additional information.*

The City of Lakeland has few staff that would be in a position to respond to a hazardous spill. The Shelby County Fire Department is the primary first responder for these situations. However, the city does need to document response approaches that include responding if the fire department is unable to render assistance in a timely manner. These guidelines and procedures will be developed and presented to staff within the next three months.

7. *Add training specifically addressing the hazards associated with illegal discharges and improper disposal of waste to the annual training agenda or to some other municipal staff training session. Please refer to Section 4.2.3 of the MS4 permit for additional information.*

City staff members attend monthly safety meetings. Training for addressing the hazards associated with illegal discharges and improper disposal of waste will be developed and presented to staff members over multiple safety meetings. This required action will be completed within six months.

8. *Modify the SWMP as needed to provide staff with written procedures that address:*
 - a. *All requirements of the current Construction General Permit concerning special conditions for impaired and exceptional waters;*
 - b. *Procedures for site plan review which incorporate consideration of potential water quality impacts;*
 - c. *Procedures addressing evaluation of submitted plans' completeness and overall BMP effectiveness, as well as for all other aspects of the City's construction stormwater program.*

The SWMP will be modified to address item 'a' within the next two months. The city will develop written procedures for items 'b' and 'c' within the next eight months.

9. *All plan reviewers must receive a certificate of completion from the Level II design Principles for Erosion Prevention and Sediment Control for Construction Sites course. Please refer to Section 4.2.4 of the MS4 permit for additional information.*

Due to recent changes in staff, the City of Lakeland has retained A2H, Inc., as their City Engineer. A2H has three Level II personnel on staff and these personnel will be utilized as part of the plan review process.

10. *Modify the ordinances appropriately to address this program element (MCM) requirement by the deadline indicated in the permit. Please refer to Section 4.2.5 of the MS4 permit for more information.*

Requests to the City of Lakeland Board of Commissioners for modification of the ordinances referenced will be developed and presented to the board by the May 2015 deadline.

11. *Modify the ERP to include project review, approval, and enforcement procedures as related to this Minimum Control Measure.*

The plan will be modified as needed within the next six months to comply with this required action.

12. *Train municipal staff on the reduction of pollutants in stormwater runoff on a regular basis and document the training. Please refer to Section 4.2.6 of the MS4 permit for additional information.*

Training to address this topic will be developed and presented to municipal staff over the course of multiple monthly staff meetings. This required action will be addressed in the next six months.

13. *Revise the ERP to address all illicit discharges, not just illicit discharge related to construction activities. Please refer to Section 4.5 of the MS4 permit for additional information.*

The plan will be modified as needed within the next six months to comply with this required action.

14. *Develop a formalized plan for tracking chronic violators to reduce the rate of noncompliance recidivism from chronic violators. Please refer to Section 4.5.4 of the MS4 permit for additional information.*

A formalized process for tracking MS4 violators will be developed and implemented in the next three months. A plan for reducing recidivism will be implemented within the next six months.

15. *Present each annual report at a public hearing for suggestions and comments prior to submitting the report to the Division by September 30th of each year. The public hearings should be properly advertised and documented.*

This required action will be addressed this year as part of the September 30th report submittal.

16. *Please provide a written response to the Division by April 25, 2014, that discusses how the requirements that have been noted will be addressed and your proposed timeline for those items to be addressed. Also include information about the division's recommended actions and how those which will be implemented will be accomplished.*

The City of Lakeland is committed to revising and implementing the SWMP to support the MS4 permit.

The following items were noted as Recommended Actions in the audit:

1. *Track additional key information, including but not limited to, the date activities occur and the number of participants in attendance or materials distributed. Additional information regarding expected water quality improvements should also be recorded.*

This type of information will be developed and documented with the event.

2. *Conduct an appropriate activity to evaluate the effectiveness of the PIE, and based on the results of the activity, modify the PIE as necessary.*

The City of Lakeland will investigate this opportunity through using a web-based survey program within the next nine months.

3. *Keep hard copies of the newspaper articles and printouts from media sources on file for documentation, and utilize an effective tracking system to manage public involvement and participation activities.*

The city will assess the feasibility of collecting this documentation and storage of these materials.

4. *Modify the web page so that the contact information for the appropriate stormwater staff is more prominently displayed on the stormwater web page.*

This will be done within the next month.

5. *Continue these activities, but also look for additional activities by which citizens, HOAs, scouts, or other groups can provide assistance to Lakeland to continue improving stormwater quality. Utilize a more detailed tracking system for documenting key information pertaining to each event and to document related or expected water quality improvements.*

The city will utilize its community coordinators and volunteer boards to attempt to develop additional opportunities.

6. *Link enforcement information to the GIS to use as a possible method of tracking enforcement actions taken and documenting results.*

This is a planned improvement of the GIS system.

7. *Implement additional measures that will allow the public to directly report illicit discharges, such as adding a stormwater hotline or enhancing the City's website to allow citizens an additional mechanism for reporting stormwater issues to City staff.*

Website enhancements are under review at this time.

8. *Develop a more detailed tracking system for documenting key information pertaining to each violation and to allow for easier summarization of activities by location, time period, etc.*

This is a planned improvement of the GIS system.

9. *Utilize all available enforcement measures to address sediment-laden stormwater contamination within Lakeland's jurisdiction. Modify the ERP to include enforcement steps involving construction activity that will be available to the City's stormwater staff. Track information such as construction plans review and enforcement action utilized by the City in an electronic tracking system or database.*

As part of the response to the Required Actions, the City of Lakeland is revising the ERP and will include additional tracking steps. City staff are in discussions to determine the enforcement measures available within the ordinances and the optimal method for implementation.

10. *Incorporate the new Land Development Regulations by reference into the SWMP.*

This will be completed.

11. *Lakeland's stormwater staff should continue to increase their knowledge about the CGP and the Tennessee Erosion and Sediment Control Handbook, and be aware of any updates in both documents. They should expand their knowledge of the construction program by attending appropriate training, webinars and conferences, if possible.*

The city has just recently retained A2H as their City Engineer. A2H will work with the inspection department to increase knowledge and familiarity with stormwater related activities.

12. *Implement a tracking system in advance of the ordinance changes so that the tracking system can be utilized immediately.*

A BMP tracking process will be implemented.

13. *Review the Manual to ensure that the Manual provides information regarding stormwater Best Management Practices (BMPs) and/or spill control procedures.*

The manual will be reviewed and changes made as needed.

14. *Modify the SWMP to include the procedures regarding the collection and disposal of waste.*

The procedures and requirements of waste collection and disposal will be added to the SWMP.

15. *Modify the SWMP to include procedures on ways to ensure that new flood management projects assess the impacts on water quality. If possible, examine existing projects for incorporating additional water quality protection devices or practices.*

As part of the Required Action response, the process flowcharts for project reviews will be updated to include these review steps.

16. *Utilize all available enforcement measures to address sediment-laden stormwater contamination within the jurisdiction.*

The city is reviewing their approach to this and other issues and will be implementing a comprehensive approach to identification and enforcement.

17. *Utilize a more detailed tracking system for documenting key information pertaining to each violation and to allow for easier summarization of enforcement activities by location, time period, etc.*

This will be investigated with updates to the GIS database.

18. *Expand Lakeland's field screening program to include all types of stormwater outfalls into water of the state in order to comprehensively identify potential sources of illicit discharge.*

The city will endeavor to expand this program.

The City of Lakeland is committed to continued implementation of its MS4 permit. The city will continue to modify and adjust its approach to implementation and enforcement. We appreciate these comments and the Memphis Field Office's continued assistance in environmental matters. Please do not hesitate to contact me with any concerns.

Sincerely,

THE CITY OF LAKELAND



Chris Thomas
City Manager



David Smith, Ph.D., PE
Interim City Engineer

cc: Mayor Wyatt Bunker